

State Court of Fulton County

E-FILED

21EV007666

12/21/2021 4:07 PM

Christopher G. Scott, Clerk

Civil Division

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

STATE COURT OF FULTON COUNTY
Civil Division

CIVIL ACTION FILE #: _____

REGINALD HOYLE

Plaintiff's Name, Address, City, State, Zip Code

vs.

JERRY R. MITCHELL, JR.

1858 County Road 67

Roanoke AL 36274

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT	AMOUNT OF SUIT
<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ _____
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ _____
<input type="checkbox"/> TORT	
<input checked="" type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ _____
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	

<input type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO. _____	

SUMMONS

TO THE ABOVE NAMED-DEFENDANT: JERRY R MITCHELL JR

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: BLAKE FLUEVOGAddress: 178 S. Main Street, Unit 300City, State, Zip Code: Alpharetta, GA 30009Phone No.: (770)576-7613

An answer to this complaint, which is herewith served upon you, must be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. DEFENSES MAY BE MADE & JURY TRIAL DEMANDED, via electronic filing or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

Christopher G. Scott, Chief Clerk (electronic signature)

SERVICE INFORMATION:

Served, this _____ day of _____, 20____

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for _____

This _____ day of _____, 20____ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

EXHIBIT A

State Court of Fulton County
 E-FILED
 21EV007666
 12/21/2021 4:07 PM
 Christopher G. Scott, Clerk
 Civil Division

IN THE STATE COURT OF FULTON COUNTY
 STATE OF GEORGIA

REGINALD HOYLE, Plaintiff, v. JERRY R. MITCHELL, JR., and JR'S TOWING & RECOVERY, Defendants.	CIVIL ACTION FILE NO:
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COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, Reginald Hoyle, and states his complaint against Defendants, Jerry R. Mitchell, Jr. and JR's Towing & Recovery, as follows:

1.

The Plaintiff Reginald Hoyle is a resident of the State of Georgia.

2.

Defendant Jerry R. Mitchell, Jr. is a citizen and resident of the State of Alabama, whose last known residence is 1858 County Road 67, Roanoke, Randolph County, Alabama 36274. Defendant Mitchell is subject to the jurisdiction of this Court pursuant to the Georgia Long Arm Statute, O.C.G.A. § 9-10-91, and may be served by issuing Summons and a second original of this Complaint to him at his address of: 1858 County Road 67, Roanoke, Alabama 36274. Service on Defendant Mitchell may also be perfected through the Georgia Secretary of State pursuant to the Georgia Non-Resident Motorist Act, O.C.G.A. § 40-12-2.

3.

Defendant Jerry R. Mitchell, Jr. is subject to the jurisdiction of this Court.

4.

Venue as to Defendant Jerry R. Mitchell, Jr. is proper in the State Court of Fulton County, Georgia.

5.

The State Court of Fulton County has jurisdiction over the subject matter of the above-styled action.

6.

Defendant, Jr's Towing & Recovery is authorized to do business in the State of Georgia with its principal place of business located at 1858 County Road 67, Randolph County, Roanoke, Alabama 36274. Defendant JR's Towing & Recovery is subject to the jurisdiction of this Court and may be served by issuing Summons and a second original of this Complaint to its registered agent: Mathew Bowles, 6250 Shiloh Road, Suite 230, Alpharetta, Georgia 30005.

7.

Defendant JR's Towing & Recovery is subject to the jurisdiction of this Court.

8.

The State Court of Fulton County has jurisdiction over the subject matter of the above-styled action.

9.

Defendants Jerry R. Mitchell, Jr. and JR's Towing & Recovery are joint tortfeasors and as such, venue as to all Defendants is proper in State Court of Fulton County, Georgia, pursuant to O.C.G.A. § 40-12-3.

10.

On December 23, 2020, Plaintiff Reginald Hoyle was operating a 2021 Mack Tractor and was stopped for traffic traveling east on Camp Creek Parkway at or near its intersection with Centre Parkway in Fulton County, Georgia.

11.

At or about that same time, Defendant Jerry R. Mitchell, Jr. was driving his 2015 Ford F650 Super Crewzer and was traveling east on Camp Creek Road at or near its intersection with Centre Parkway in Fulton County, Georgia, and was positioned directly behind the Plaintiff's vehicle, when he failed to stop his vehicle and struck the rear of Plaintiff's vehicle.

12.

At all relevant times, Defendant Jerry R. Mitchell, Jr. owed certain civil duties to Plaintiff Reginald Hoyle, and, notwithstanding those duties, the Defendant violated them in the following particulars:

- a. In failing to make reasonable and proper observations while operating his commercial vehicle or, if reasonable and proper observations were made, failing to act thereon;
- b. In following the Plaintiff's vehicle too closely in violation of O.C.G.A. § 40-6-49;
- c. In failing to make timely and proper application of his brakes in violation of O.C.G.A. § 40-6-241;
- d. In failing to observe or undertake the necessary precautions to keep his commercial vehicle from causing the collision with Plaintiff's vehicle in violation of O.C.G.A. § 40-6-390;

- e. In operating his commercial vehicle without due caution and circumspection and in a manner so as to endanger the person and/or property of others in the immediate vicinity in violation of O.C.G.A. § 40-6-241, namely the Plaintiff herein;
- f. In operating his commercial vehicle in reckless disregard for the safety of persons and/or property in violation of O.C.G.A. § 40-6-390; and,
- g. In committing other negligent and reckless acts and omissions as may be shown by the evidence and proven at trial.

13.

Defendant Jerry R. Mitchell, Jr.'s violations of the aforementioned statutory duties of care constitute negligence and negligence *per se*.

14.

As a direct and proximate result of the aforesaid negligence and breaches of duty by Defendant Jerry R. Mitchell, Jr., Plaintiff Reginald Hoyle suffered substantial injuries and damages including medical and other necessary expenses, mental and physical pain and suffering due to the injuries to his body, musculoskeletal and nervous system, personal inconvenience, plus an inability to lead a normal life. As a result of the subject collision, Plaintiff, Reginald Hoyle's medical treatment is ongoing and he has incurred in excess of \$50,000.00 in past medical expenses.

15.

At all relevant times, Defendant Jerry R. Mitchell, Jr. was an agent of Defendant JR's Towing & Recovery and was operating a Ford F650 Super Crewser within the course and scope of his employment with Defendant JR's Towing & Recovery at the time of the subject collision with Plaintiff's vehicle.

16.

Defendant JR's Towing & Recovery is liable for the acts and omissions of Defendant Jerry R. Mitchell, Jr. as Defendant JR's Towing & Recovery's agent and/or employee at the time of the collision-in-suit, under the theory of respondeat superior.

17.

As a direct and proximate result of the aforesaid negligence and breaches of duty by Defendant JR's Towing & Recovery, Plaintiff has suffered significant injuries, medical expenses and damages. These damages include emotional distress, personal inconvenience, mental and physical pain and suffering and loss of enjoyment of life due to the violence of the collision and injuries to Plaintiff's body, musculoskeletal and nervous system, plus an inability to lead a normal life. As a subject collision, Plaintiff's medical treatment is ongoing and Plaintiff has incurred in excess of \$50,000.00 in past medical expenses.

WHEREFORE, Plaintiff respectfully prays and demands as follows:

- (a) That Process and Summons issue, as provided by law, requiring Defendants to appear and answer Plaintiff's Complaint;
- (b) That service be had upon Defendants as provided by law;
- (c) That Plaintiff have and recover general damages from such Defendants, as the jury deems are liable to Plaintiff, and in such an amount as the jury deems just and appropriate to fully and completely compensate Plaintiff for all of his injuries and pain and suffering, mental, physical, and emotional, past, present, and future;
- (d) That Plaintiff have and recover from Defendants, special damages for past and future medical expenses and loss of income in the past and future in such an amount as shall be proven at trial;

- (e) That this matter be tried to a jury;
 - (f) That all costs be cast against the Defendants;
 - (g) For such other and further relief as this Court deems just and appropriate.
- This 21st day of December, 2021.

Respectfully submitted,



Blake Fluevog
Georgia Bar No. 838726
Attorney for Plaintiff

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